

FEB 07 2005

PTO/SB/61 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DAC
\$**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**Docket Number (Optional)
EWG-097S

First Named Inventor: Clay Davidson

Art Unit: 2621

Application Number: 09/746,671

Examiner: S. Nakhjavan

Filed: December 22, 2000

Title: COMPENSATING FOR COLOR RESPONSE AND TRANSFER FUNCTION OF SCANNER
AND/OR PRINTER WHEN READING A DIGITAL WATERMARK

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
- Other than small entity – fee \$ 500.00 (37 CFR 1.17(l)).

2. Reply and/or feeA The reply and/or fee to the above-noted Office action in the form of
amendment (identify the type of reply):

- has been filed previously on _____.
- is enclosed herewith.

B The issue fee of \$ _____

- has been filed previously on _____.
- is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/09/2005 MAILED 00000048 501071 09746671
01 FC:1452 500.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

February 2, 2005

Date

Steven W. Stewart

45,133

Typed or printed name

Registration Number, if applicable

9405 SW Gemini Drive

503-469-4800

Address

Telephone Number

Beaverton, OR 97008

Address

Enclosure Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unavoidable delay Please charge all fees to Deposit Account 50-1071.

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

February 2, 2005

Date

Signature

Steven W. Stewart

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Clay Davidson

Application No.: 09/746,671

Filed: December 22, 2000

For: COMPENSATING FOR COLOR RESPONSE
AND TRANSFER FUNCTION OF
SCANNER AND/OR PRINTER WHEN
READING A DIGITAL WATERMARK

Examiner: S. Nakhjavan

Date: February 2, 2005

Art Unit 2621

PATENT
Attorney Ref. No. EWG-097S

DAG
fCERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on February 2, 2005, as First Class Mail in an envelope addressed to: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

S t S L

Steven W. Stewart
Attorney for Applicant

TRANSMITTAL LETTER

Mail Stop PETITION
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Enclosed is a Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a) (Fee of \$500.00), including supporting documentation (Adequate showing of the cause of the unavoidable delay, copy of docket record (3 pages), copy of 5/28/03 Power of Attorney, and Statement of Elmer Galbi). Additionally enclosed are an Amendment, Information Disclosure Statement and Form PTO-1449. The fee has been calculated as shown and deposit account authorization is given below.

CLAIMS AS AMENDED					
For	No. after amendment	No. paid for previously	Present Extra	Rate	Fee
Total Claims	32	29	= 3	\$50.00	\$150.00
Indep. Claims	11	12	=	\$200.00	\$.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$150.00

- If an extension of time is required, please consider this a petition therefor.
- Charge **\$830.00** (fee for Petition (\$500.00), Information Disclosure Statement (\$180.00), additional claims (\$150.00)) and any additional fees which may be required in connection with filing these papers and any extension of time, or credit any overpayment, to Deposit Account No. 50-1071.

Date: February 2, 2005

Respectfully submitted,

Customer Number 23735

DIGIMARC CORPORATION

Phone: 503-469-4800
FAX: 503-469-4777

By S t S L
Steven W. Stewart
Registration No. 45,133

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

February 2, 2005

Date

Steven W. Stewart

45,133

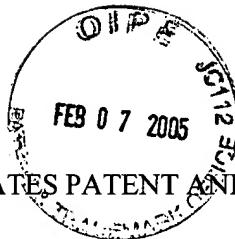
Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

**Please see attached documentation.

(Please attach additional sheets if additional space is needed.)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Clay Davidson, et al.

Application No.: 09/746,671

Filed: December 22, 2000

For: Compensating for Color Response and
Transfer Function of Scanner and/or
Printer When Reading a Digital Watermark

Examiner: S. Nakhjavan

Date: February 2, 2005

Art Unit: 2621

Conf. No.: 1646

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on February 2, 2005 as First Class Mail in an envelope addressed to: Mail Stop Petition, COMMISSIONER FOR PATENTS, Alexandria, Virginia 22313-1450.

Steven W. Stewart
Attorney for Applicant

ADEQUATE SHOWING OF THE CAUSE OF THE UNAVOIDABLE DELAY

Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

We recently discovered (on January 31, 2005) that an Office Action for the above-identified application was mailed on July 15, 2004.

Unfortunately, it appears that we did receive the July 15th Office Action.

We downloaded the July 15th Office Action from the PAIR system once it was discovered.

We noticed that the Office Action was addressed to Practitioner Elmer Galbi. Mr. Galbi handled prosecution of this application for a time prior to May 28, 2003. At that time Digimarc revoked his power of attorney and requested that all correspondence be sent to us. A copy of the Power of Attorney is attached.

Notwithstanding our request, the July 15th Office Action was addressed to Mr. Galbi.

A statement from Mr. Galbi is attached and attests that a search of his records revealed no evidence that he received the July 15th Office Action. Even if he had received such an Office Action, it would have been forwarded to Digimarc in accordance

with his normal practice without docketing the action in his docketing system, since responsibility for the application had been transferred to us.

Digimarc was responsible for docketing Patent Office communications for this application.

A search of Digimarc's application file and docketing system records indicate that the July 15, 2004, Office Action was not received by our Office. A copy of our docketing record, where the nonreceived Office Action would have been entered had it been received and docketed, is attached. The July 15th Office Action is not listed in the docketing record.

We respectfully request revival of our patent application since our non-response to the July 15, 2004 Office Action was unavoidable.

The Office of Petitions is respectfully invited to contact the undersigned at 503-469-4685 with any questions.

Date: February 2, 2005

Respectfully submitted,

DIGIMARC CORPORATION

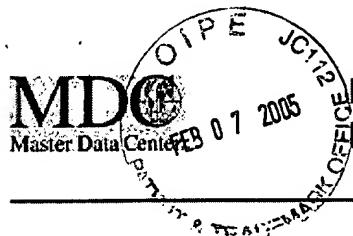
Customer No. 23735

Phone: 503-469-4685

By ST SL

FAX: 503-469-4777

Steven W. Stewart
Registration No. 45,133



Patent: EWG-097 US, United States, Regular, National, Original Filing

Patent Data

Docket Number	EWG-097 US	Primary Attorney	STEVEN W. STEWART
Country	United States	Agent	
Case Type	Regular	Client	DIGIMARC CORPORATION
Relation Type	Original Filing	Current Owner	DIGIMARC CORPORATION
Filing Type	National	Previous Owner	
Filing Number		Text #10	
Status	Filed	First Filing Date	12/31/1999
Sub Status	Published	Sub Status Date	
Parent Country		Parent Filing Date	12/31/1999
Parent Number		Parent Grant Date	
Application Number	09/746,671	Application Date	12/22/2000
Patent Number		Issue Date	
Publication Number	202001-0040979	Publication Date	11/15/2001
Assigned		Ind. Claims\Designs	0
Convention Type		Total Claims	0
Custom Code #1		TotalClasses	
TaxAgent		ConfirmationNumber	
Operating Group		Tax Base Date	
Backup Attorney	JOEL R. MEYER	Next Tax Date	
Paralegal	DONNA K. SMITH	Expiration Date	
Custom Party #3		Examiner	
Custom Party #4		Custom Date #1	
Custom Party #5		Art Unit	
Custom Party #6		Custom Date #2	
Custom Party #7		Term	
Custom Party #8		Custom Date #3	
Agent Ref No		Custom Text #4	DKS
Custom Code #2		Custom Date #4	
Custom Code #3		Best Immediate Parent	EWG-097 PROV
Custom Code #4		Pre Grant Pub No	US 2001-0040979 A1
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Text#9	
Customer Code	DIPP	Customer Name	Digimarc Corporation

Title

COMPENSATING FOR COLOR RESPONSE AND TRANSFER FUNCTION OF SCANNER AND/OR PRINTER WHEN READING A DIGITAL WATERMARK

Description

Current Expense Information

Other Case-Related Information

Actions

Action	Action Notes	Action Due Date	Completed Date	Date Taken	Deadline Date
Application Mailed		12/22/2000			
1st Office Action		2/13/2004			

Postcard check		1/22/2001	12/22/2000	12/22/2000 1/22/2001
History	FILG RCPT STATUS CHK	3/22/2001		12/22/2000 3/22/2001
History	INF DISCLOSURE STMT	3/22/2001	4/22/2004	12/22/2000 3/22/2001
History	PUBLICATION	10/18/2001	11/15/2001	10/18/2001 10/18/2001
Response to 1st office action		5/13/2004	4/22/2004	
Postcard check		5/22/2004	4/26/2004	
Status Check		2/22/2005		12/22/2000 12/22/2002

Inventors

Assignment Date Inventor

Clayton L. Davidson, Jr.

CreateUser: conv

UpdateUser: DSMITH

CreateDate: 12/28/2000

UpdateDate: 12/21/2004

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IPMaster (v1.5.0) - [SQLOLEDB.1] TULNTQASQL.IPMaster.dsmith - [Patent 3 of 3]

File Edit Records Utilities Tools Help

Docket Number	EWG-097 US	Primary Attorney	STEVEN W. STEWART
Country	United States	Agent	
Case Type	Regular	Client	DIGIMARC CORPORATION
Relation Type	Original Filing	Current Owner	DIGIMARC CORPORATION
Filing Type	National	Previous Owner	
Filing Number		Text #10	

COMPENSATING FOR COLOR RESPONSE AND TRANSFER FUNCTION OF

Inventors	Keywords	License Data	Other Numbers	Related ID	Title	Text
Filing Data	Related Party Info	More	Actions*	Description	Expenses	External Files
Action	Action Notes		Action Due Date	Completed Date	Taken Date	Deadline
Application Mailed				12/22/2000		
1st Office Action				2/13/2004		
Postcard check			1/22/2001	12/22/2000	12/22/2000	1/22/2001
History	FILG RCPT STATUS CHK		3/22/2001		12/22/2000	3/22/2001
History	INF DISCLOSURE STMT		3/22/2001	4/22/2004	12/22/2000	3/22/2001
History	PUBLICATION		10/18/2001	11/15/2001	10/18/2001	10/18/2001
Response to 1st office action			5/13/2004	4/22/2004		
Postcard check			5/22/2004	4/26/2004		
Status Check			2/22/2005		12/22/2000	12/22/2002
*						

Created: 12/26/2000 Updated: 12/21/2004 1:03:02 PM By: DSMITH

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FEB 07 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Clay Davidson, et al.

Application No.: 09/746,671

Filed: December 22, 2000

For: Compensating for Color Response and
Transfer Function of Scanner and/or
Printer When Reading a Digital Watermark

Examiner: S. Nakhjavan

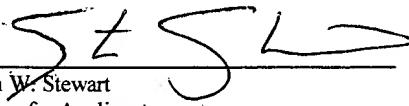
Date: February 2, 2005

Art Unit: 2621

Conf. No.: 1646

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on February 2, 2005 as First Class Mail in an envelope addressed to: Mail Stop Petition, COMMISSIONER FOR PATENTS, Alexandria, Virginia 22313-1450.


Steven W. Stewart
Attorney for ApplicantSTATEMENT OF ELMER GALBI

Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I handled prosecution of the above-identified application for a time prior to May 28, 2003. At that time my power of attorney was revoked and a change of address was requested by Digimarc, as Digimarc decided to handle prosecution of this application in-house.

Notwithstanding the fact that a change of address was requested by Digimarc, a July 15, 2004 Office Action was apparently addressed to me at 1030 S.W. Morrison St., Portland, Oregon.

I have searched my records and have not found any information indicating receipt of the July 15th Office Action. (I no longer retain an application file, since responsibility for the application was transferred to Digimarc.).

Moreover, after responsibility of the above-application was transferred to Digimarc, no further entries relative to this case would have been made in either my personal docketing system or in my firm's docketing system, since it is our practice not to

docket Patent Office communications in cases that have been transferred. Thus, even if received, the July 15th Office Action would not have been docketed.

Instead, it is our practice to forward any Patent Office communications received for a transferred application to the party responsible for the application, in this case, Digimarc. When I forward a paper to Digimarc, I often, but not always, inform them by e-mail that the paper has been forwarded.

A search of my records found no evidence of any receipt, transfer or email to Digimarc regarding the July 15, 2004, Office Action.

Respectfully submitted,

Date: February 2, 2005

DIGIMARC CORPORATION



By _____

Elmer Galbi
Registration No. 19,761
Phone: 503-697-7844

FEB 07 2005 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Geoffrey B. Rhoads

Application No: 09/915,824

Filed July 26, 2001

For: COLLATERAL DATA COMBINED WITH
USER CHARACTERISTICS TO
SELECT WEB SITE

Examiner:

Art Unit: 2152

Confirmation No. 7918

COPY

**POWER OF ATTORNEY BY ASSIGNEE
(REVOCATION OF PRIOR POWERS)**

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

As assignee of the entire interest of the above-identified patent application, all powers of attorney previously given are hereby revoked and the practitioners at Customer Number 23735 (William Y. Conwell, Reg. No. 31,943, Joel R. Meyer, Reg. No. 37,677, Steven W. Stewart, Reg. No. 45,133, Thomas M. Horgan, Reg. No. 33,183, are hereby appointed to transact all business in the U.S. Patent and Trademark Office connected therewith.

Address all future correspondence to

Steven W. Stewart
Digimarc Corporation
19801 SW 72nd Avenue, Suite 100
Tualatin, OR 97062

Address all telephone calls to Steven W. Stewart at telephone number 503-885-9699.

Executed at Tualatin, Oregon, on the 28th day of May, 2003.

Digimarc Corporation

By _____

Name William Y. Conwell

Title Vice-President, Intellectual Property